

Application No. 10/722,858  
Terminal Disclaimer Dated August 4, 2004  
Submitted with Reply to Office Action of April 26, 2004



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. :	10/722,858	)	CERTIFICATE OF MAILING
Applicant :	Hector F. DeLuca et al	)	I hereby certify that this correspondence
Filed :	November 26, 2003	)	is being deposited with the United States
Title :	Synthesis of A-Ring	)	Postal Service with sufficient postage as
	Synthon of 19-Nor-1 $\alpha$ ,25-	)	first class mail in an envelope addressed
	Dihydroxy-Vitamin D <sub>3</sub>	)	to: Commissioner of Patents, P.O. Box
	from (D)-Glucose	)	1450, Alexandria, VA 22313-1450, on
		)	this 4th day of August, 2004.
TC/A.U. :	1621	)	
Examiner :	Vollano, Jean F.	)	
		)	<i>Dorothy A. Hauser</i> August 4, 2004
Docket No. :	1256-00929	)	Dorothy A. Hauser Date
		)	

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 CFR 1.321(c))  
BASED ON U.S. PATENT 6,683,219

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Identification of Person Making This Disclaimer

I, Thomas M. Wozny, represent that I am an attorney of record authorized to sign on behalf of the assignee identified below.

Identity of Assignee

The assignee is Wisconsin Alumni Research Foundation, a not-for-profit corporation whose address is 614 Walnut Street, 13th Floor, Madison, Wisconsin 53705. The Assignee owns all of the interest in the invention claimed in the above-identified patent application.

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Recordal of Assignment in Patent Office

The Assignment was recorded on October 15, 2002, at Reel 13173, Frames 446-450.

Establishing Right of Assignee to Take Action

In accordance with 37 CFR 3.73, I hereby certify that I have reviewed the evidentiary documents with respect to the Assignee's ownership of the above-identified patent application and that, to the best of my knowledge and belief, title is in the Assignee identified above seeking to take this action.

Disclaimer

The owner hereby disclaims the terminal part of the statutory term of any patent granted on the above-identified instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any Terminal Disclaimer filed prior to the grant of the patent granted on Application No. 10/205,453, filed on July 25, 2002, now U.S. Patent 6,683,219 issued January 27, 2004, except as provided below, and the owner agrees that any patent so granted on the above-identified instant application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to U.S. Patent 6,683,219. This agreement runs with any patent granted on the above-identified instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent 6,683,219, as shortened by any Terminal Disclaimer filed prior to the patent grant, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 35 CFR 1.321, has all claims canceled by a reexamination certificate, is

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reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Fee Status

This Terminal Disclaimer is being filed by an applicant that is a small entity resulting in a fee of \$55.00 being due.

Fee Payment

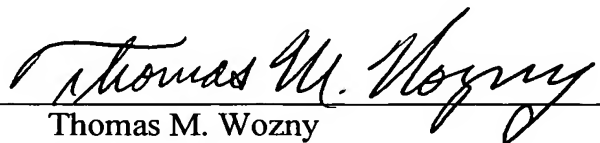
A check in the amount of \$55.00 is enclosed to cover the requisite fee. The Commissioner is hereby authorized to charge any additional fees in this application under 37 CFR §1.16 and §1.17 to Deposit Account No. 01.2000. An additional copy of this Disclaimer is attached.

Declaration

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By   
Thomas M. Wozny  
Reg. No. 28,922

Andrus, Sceales, Starke & Sawall, LLP  
100 East Wisconsin Avenue, Suite 1100  
Milwaukee, Wisconsin 53202  
(414) 271-7590



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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 110.00

## Complete if Known

Application Number	10/722,858
Filing Date	November 26, 2003
First Named Inventor	Hector F. DeLuca
Examiner Name	Vollano, Jean F.
Art Unit	1621
Attorney Docket No.	1256-00929

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

01.2000

Andrus, Scales, Starke & Sawall, LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ ) 0.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	= 0
Multiple Dependent	-3** =	X	= 0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	\$55.00
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) Terminal Disclaimer			\$55.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 110.00

## SUBMITTED BY

Name (Print/Type) Thomas M. Wozny

Registration No.  
(Attorney/Agent)

28,922

(Complete (if applicable))

Telephone 414-271-7590

Signature

*Thomas M. Wozny*

Date

August 4, 2004

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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